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| 09/633,801 | 08/07/2000 | George Hsu | PNI-P417CIP | 3013 |

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| EXAMINER | |
|---|---|
| BAYARD, DJENANE M | |

| ART UNIT | PAPER NUMBER |
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| 2141 | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/633,801 | HSU, GEORGE | |
| | Examiner | Art Unit | |
| | DJENANE M. BAYARD | 2141 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *14 April 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *19-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *19-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date. _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

1. This is in response to amendment filed on 4/14/08 in which claims 19-36 are pending.

### *Response to Arguments*

2. Applicant's arguments filed have been fully considered but they are not persuasive. As per claims 19 and 24, in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Hite does not teach mobile station per se but Hite clearly teaches "device can be wireless handheld transmitter". One with ordinary skill would have equated the "device" of Hite with "mobile station" of Suguria et al. Thus it would have been obvious to one with ordinary skill in the art at the time of the invention to incorporate the teaching of Suguria et al in the claimed invention of Hite et al in order to provide signal transmission and reception to and from the mobile station (See col. 24, lines 1-37).

Suguria's "base station and wire line" comprise all the attributes of the instant invention. Suguria's teaching wherein the a base station 105 is made up of a base station control section 106 for controlling the operation of the base station 106, a base station transmission and reception section 107 for signal transmission and reception to and from the mobile station 101, and a base station input and output section 108 for signal transmission and reception to and from a control station 111 through a wire line, and further the control station 111 is equipped with a

control station control section 112 for controlling the operation of the control station 111, a communication control section 113 for controlling the communication with the base station 105 (See col. 14, lines 1-37).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., a control unit, not internet enabled, through which all communication with a sensor node travels) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that sensors and actuators in the instant invention are accessible only through a control unit, the examiner respectfully points out that Hite teaches wherein Master controller 36 is generally a CPU-based controller that controls the communications among user interface 35 and Internet appliances 37-39. It is operable to receive user inputs received by user interface devices, such as commands, and instruct the appropriate Internet appliance to act according to the command. (See col. 3, lines 21-25).

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 19, 22-24, 27-28 and 34-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,213061 to Hite et al in view of U.S. Patent No. 6,362783 to Suguria et al.

a. As per claims 19 and 24, Hite et al teaches an Internet Control system and method. Furthermore, Hite et al teaches an Internet-enabled control system for monitoring and controlling home-automated-systems and appliances at a user's premise, comprising: a base station with Internet connection at the user's premise, the base station in communication with sensing and actuating subsystems at individual ones of the home-automated systems and appliances (See col. 3, lines 1-3), a first Internet-connected server communicating over the Internet with the base station, the first server monitoring the sensing subsystems and providing actuating commands to the actuating subsystems through the base station (See col. 3, lines 21-47) an interactive display at a second Internet-connected server providing a set of services to the user not related to control of the home-automated systems and appliances ( See col. 4, lines 1-18); and an interactive control interface presentable on the interactive display by the second server, providing a control interface to the user, enabling the user to access settings, view conditions, and issue commands to the home automated systems and appliances over the Internet to the first server and hence to the base station and the systems and appliances themselves, (See col. 4, lines 19-51)). However, Hite et al fail to explicitly teach a base station wherein all communication with sensing and actuating subsystems is done through a control unit comprising a wiring interface portion (See col. 3, lines 1-3), and an input-output section coupled to a microcontroller.

Suguria et al teaches wherein a base station is made up of a base station control section for controlling the operation of the base station, a base station transmission and reception section for signal transmission and reception to and from the mobile station, and a base station input and output section for signal transmission and reception to and from a control station through a wireline (See col. 14, lines 1-37).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Suguria et al in the claimed invention of Hite et al in order to provide signal transmission and reception to and from the mobile station (See col. 24, lines 1-37).

b. As per claims 22 and 27, Hite et al in view of Suguria et al teaches the claimed invention as described above. Furthermore, Hite et al teaches wherein the interactive interface comprises a window opened in the interactive display provided by the second server, the window providing information fields and input fields for the user to read conditions at and to provide input to the systems and appliances (See col. 3, lines 31-47 and col. 4, lines 42-45).

c. As per claim 23 and 28, Hite et al in view of Suguria et al teaches the claimed invention as described above. Furthermore, Hite et al teaches a data center comprised one or more server computer in communication with a global network such as the Internet that provide many unrelated services (See col. 4, lines 38-41).

d. As per claim 34, Hite et al teaches an Internet-enabled control system for monitoring and controlling home-automated-systems and appliances at a user's premise, comprising: a base station with Internet connection at the user's premise, the base station in communication with sensing and actuating subsystems at individual ones of the home-automated systems and appliances (See col. 3, lines 1-3); wherein all communication to the sensing subsystems and actuating subsystems is done through a control unit comprising a wiring interface portion, and an input-output section coupled to a microcontroller ; first Internet-connected server communicating over the Internet with the base station, said server monitoring the sensing subsystems and providing actuating commands to the actuating subsystems through the base station (See col. 3, lines 21-47); an interactive display at the Internet-connected base station providing a set of services to the user related to the control and monitoring of the home-automated systems and appliances (See 3, lines 10-12); and an interactive control interface presentable on the interactive display by said server, providing a control interface to the user, enabling the user to access settings, view conditions, and issue commands to the home automated systems and appliances over the Internet to the base station and the systems and appliances themselves (See col. 3, lines 31-48 and col. 4, lines 38-45). However, Hite et al fail to explicitly teach a base station wherein all communication with sensing and actuating subsystems is done through a control unit comprising a wiring interface portion (See col. 3, lines 1-3), and an input-output section coupled to a microcontroller.

Suguria et al teaches wherein a base station is made up of a base station control section for controlling the operation of the base station, a base station transmission and reception section for signal transmission and reception to and from the mobile station, and a base station input and

output section for signal transmission and reception to and from a control station through a wireline (See col. 14, lines 1-37).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Suguria et al in the claimed invention of Hite et al in order to provide signal transmission and reception to and from the mobile station (See col. 24, lines 1-37).

e. As per claim 35, Hite et al in view of Suguria et al teaches the claimed invention as described above. Furthermore, Hite et al teaches wherein said interactive display is hosted by a second Internet-connected server providing a set of services to the user related to control of the home-automated systems and appliances; and an interactive control interface presentable on the interactive display by the second server, providing a control interface to the user, enabling the user to access settings, view conditions, and issue commands to the home automated systems and appliances over the Internet to the first server and hence to the base station and the systems and appliances themselves (See col. 3, lines 31-48 and col. 4, lines 10-51).

f. As per claim 36, Hite et al in view of Suguria et al teaches the claimed invention as described above. Furthermore, Hite et al teaches interactive display is hosted at a second Internet-connected server providing a set of services to the user unrelated to control of the home-automated systems and appliances; and an interactive control interface presentable on the interactive display by the second server, providing a control interface to the user, enabling the user to access settings, view conditions, and issue commands to the home automated systems and

appliances over the Internet to the first server and hence to the base station and the systems and appliances themselves (See col. 3, lines 31-48 and col. 4, lines 38-45)

5. Claims 20-21 and 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,213061 to Hite et al in view of U.S. Patent No. 6,362783 to Suguria et al as applied to claim 1 above, and further in view of U.S. Patent No. 6,192282 to Smith et al.

a. As per claim 20 and 25, Hite et al in view of Suguria et al teaches the claimed invention as described above. However, Hite et al in view of Suguria et al fails to teach wherein the authentication technique comprises a password.

Smith et al teaches wherein the authentication technique comprises a password (See col. 35 and 36).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Smith et al in the claimed invention of Hite et al in order to provide security to the system.

b. As per claims 21 and 26, Hite et al in view of Suguria et al teaches the claimed invention as described above. However, Hite et al in view of Suguria et al fails to teach wherein the authentication technique is by prearrangement with the second server verifying the identity of the user or the Internet appliance controlled by the use.

Smith et al teaches wherein the authentication technique is by prearrangement with the second server verifying the identity of the user or the Internet appliance controlled by the use (See col. 35 and 36).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Smith et al in the claimed invention of Hite et al in order to provide security to the system.

6. Claims 29- 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 7,213061 to Hite et al in view of U.S. Patent No. 6,826607 to Gelvin et al.

a. As per claim 29, Hite et al teaches an internet-enabled control system for monitoring and controlling home-automated-systems and appliances at a user's premise, comprising: a base station comprising a microcontroller, memory portion, communication port (See col.3, lines 1-3); a first internet-connected server communicating with the base station (See col. 3, lines 1-67); at least one actuator; and at least one sensor; wherein the base station receives control code and data via the communication port and communicates to the at least one control unit such that each control unit communicates at least one actuator and senses at least one sensor in order that the home automated systems and appliances are controlled in a preset manner by the received control code and data, wherein all communication with the at least one actuator and the at least one sensor is done through the at least one control unit (See col. 3, lines 1-47). However, Hite et al fails to explicitly teach wherein the control unit comprises a RF communication section.

Gelvin et al teaches wherein the control unit comprises a RF communication section (See col. 14, lines 58-67).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Gelvin et al in the claimed invention of Hite et al in order to provide an interface between the low power distributed sensor network and a 10 Mbps Ethernet network (See col. 14, lines 58-67).

b. As per claim 30, Hite et al teaches the claimed invention as described above. Furthermore, Gelvin et al teaches an interactive display in communication with said base station providing a set of services via said first server to said user to control said home-automated systems and appliances wherein said server monitors each control unit and provides actuating commands to each control unit through the base station (See col. 3, lines 1-47 and col. 7, lines 1-23).

c. As per claim 31, Hite et al in view of Gelvin et al teaches the claimed invention as describe above. Furthermore, Hite et al teaches an interactive control interface presentable on the interactive display by said first server, providing a control interface to said user, enabling said user to access settings, view conditions, and issue commands to each said control unit (See col. 3, lines 1-47 and col. 7, lines 1-23). However, Hite et al fails to teach communicating via said base station RF communicating section.

Gelvin et al teaches wherein the control unit comprises a RF communication section (See col. 14, lines 58-67).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the teaching of Gelvin et al in the claimed invention of Hite et al in order to provide an interface between the low power distributed sensor network and a 10 Mbps Ethernet network (See col. 14, lines 58-67).

d. As per claim 32, Hite et al in view of Gelvin et al teaches the claimed invention as described above. Furthermore, Hite et al teaches wherein said interactive interface further comprises a window opened in the interactive display wherein access to additional services comprising at least one of banking services, search services, security exchange services, purchasing services, repair services or personal data aggregation services is provided (See col. 4, lines 66-67 and col.5 , lines 1-2)).

e. As per claim 33, Hite et al in view of Gelvin et al teaches the claimed invention as described above. Furthermore, Hite et al teaches access to a second server wherein the second server provides access to at least one of said additional services (See col. 4).

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M. Bayard whose telephone number is (571) 272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Djenane Bayard

/D. M. B./
Examiner, Art Unit 2141

/William C. Vaughn, Jr./
Supervisory Patent Examiner, Art Unit 2144

| Application Number | Application/Control No. | Applicant(s)/Patent under Reexamination | |
|---|---|---|---|
| | 09/633,801 | HSU, GEORGE | |
| | Examiner | Art Unit | |
| | DJENANE M. BAYARD | 2141 | |